

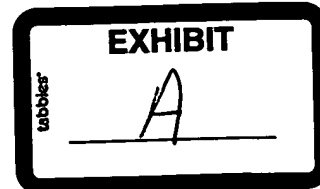


Appl. No.	:	10/802,599
Applicant	:	Michael L. Robertson
Filed	:	March 16, 2004
Title	:	No Waste Cooking Oven with Multiple Cooking Functions
TC/A.U.	:	3742
Examiner	:	T. Simone
Conf. No.	:	4958
Docket No.	:	BBRC 8857US

Declaration of Michael L. Robertson under 37 C.F.R. §1.132

I, Michael L. Robertson state as follows:

1. I am the inventor of the subject matter of patent application Serial No. 10/802,599 for NO WASTE COOKING OVEN WITH MULTIPLE COOKING FUNCTIONS. I am making this declaration in support of the patentability of the claims of the patent application.
2. I presently am the President of YieldKing, LLC, Marion, Illinois, which manufactures and sells products made in accordance with the claims of the patent application. I also am the President of B.B. Robertson, Inc. d/b/a Southern Pride, Marion, Illinois, which also manufactures and sells various types of cooking ovens. I have been associated with Southern Pride since 1976.
3. I have reviewed the office action dated January 30, 2007 and the prior art cited by the examiner.
4. The publications referred to as *Introducing The Best Thing To Happen To Ribs Since Eve* and DINNER HOUSE RIB SMOKER OVEN were produced and



distributed by Southern Pride and show ovens that were made and sold by Southern Pride.

5. I am familiar with the contents of the publications cited by the examiner.

6. I also am familiar with the construction and operation of the ovens illustrated in the cited publications. The claims of my patent application call for a number of novel features not disclosed or even suggested by the cited references.

7. The oven illustrated in the brochures does not have an internal collection pan under the cooking racks that extends almost the entire width of the cooking racks. Nowhere in the cited brochures is any type of internal collection pan disclosed.

8. The oven shown in the cited brochures has a steam pan at the bottom of the oven that is partially obscured by the lower racks, which are pulled forward for illustrative purposes.

9. Although not easily visible in the illustration, the steam pans generally are covered to prevent by-products such as grease to drip into the steam pan, which can cause splattering. Further, the water for steam should be kept free of contaminants.

10. The illustrated models include an external drain pan for collecting by-products, which was typical for ovens prior to my invention.

11. I have been in the business of designing and selling these types of ovens for over thirty (30) years and to the best of my knowledge no cooking or smoking apparatus of this type had an internal collection pan prior to my invention.

12. The internal collection pan offers many advantages:
- a. It extends the expanse of the product racks and catches virtually all by-products of the cooking process.
 - b. The by-products of the cooking process are maintained inside the oven at cooking temperature to maintain them in a sanitary environment at a temperature at which they will not spoil.
 - c. The by-products maintained in this sanitary environment can be used to make au jus, gravies or other useful products which are generally purchased pre-made by a restaurant owner , thereby improving efficiency of the cooking process, lowering costs, and improving the taste of products such as gravies or au jus.
 - d. Many restaurant owners purchase precooked meats and vegetables, which increases the cost and lowers the quality of served foods.
 - e. My invention allows a chef to prepare an entire meal with fresh products in one device in one cooking cycle. For example, the meat can be seasoned and placed on the racks and cooked, smoked and/or steamed for optimal flavor and consistency. The by-products rendered from the meat are collected in the internal collection pan. The chef can place fresh, uncooked potatoes or vegetables in the collection pan with the renderings where they are subjected to cooking temperatures and the seasonings included

with the by-products, resulting in a more flavorful, complete meal in one cooking cycle.

- f. Older designs, such as the ovens shown on the cited prior art, have external drip pans for collecting most of the by-products. Because the pan is external, the by-products are not held in a sanitary area and are exposed to contaminants. They can spoil or turn rancid when exposed to ambient temperatures.
- g. The novel oven disclosed in my patent application can have a drain hole at the bottom and an external drip pan in the event of spillage or so forth. However, in normal operation with a fully loaded oven, there only will be a thimbleful of by-products in the external collection pan. This is because the new internal drip pan collects virtually all of the drippings.
- h. Because the usable by-products are collected in the internal collection pan, cleaning of the oven is much easier and less time consuming.
- i. The collection pan as shown and claimed in my patent application includes a spigot, which allows drainage of the pan into a sanitary pot or the like before the pan is removed, making removal easier, safer and cleaner.

13. I am familiar with the controller for shown and referred to as “one touch program” in the cited references. The controller in the references allows for the setting of cooking temperature, cooking time and holding temperature only, as

seen in the touch pad illustrated in the brochures. The old controller does not control the production of steam or smoke. These functions are "all or nothing" in the illustrated ovens. That is, the heating units for the steam pan and smoke box are "on" when a cooking cycle is started. If the chef does not want steam, he or she does not put water in the pan. If the chef does not want smoke, or he or she does not put wood chips in the smoke box.

14. The references do not disclose a programmable controller to control the heat source, the steam source and the flavor generator, with the controller being programmable to operate any one of the heat source, the steam source and the flavor generator in any predetermined sequence, and for any predetermined duration of time

15. As described and claimed in my present application, the controller in oven of the present invention allows for convection heating at any time, it allows for the production of steam at anytime during the cook cycle and it allows for the production of smoke at any time in the cook cycle. The oven, via the programmable controller, can produce convection heat, steam or smoke in any order or for any duration of time during a cook cycle. This type of closely controlled cooking increases the versatility of the oven.

16. To the best of my knowledge, no smoker or cooker in the industry prior to my invention allowed for this type of controlled cooking.

17. The brochures cited by the examiner do not disclose an oven having a top

vent or chimney of the type disclosed and claimed in my patent application. The chimney or vent in my present invention allows for better control of the pressure and heat inside the oven.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4/18/08

ML Robertson

Michael L. Robertson